

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:21-cv-00217-MR-WCM

JAMES BRADLEY OWEN,

Plaintiff,

vs.

J U D G M E N T

CHRISTOPHER M. GOODWIN, in his
individual and official capacities as
sheriff's deputy of Henderson
County, North Carolina; BENJAMIN
HAWKINS, in his individual and
official capacities as sheriff's deputy
of Henderson County, North
Carolina; JACOB TIPTON, in his
individual and official capacities as
sheriff's deputy of Henderson
County, North Carolina; NICHOLAS
A. NEWELL, in his individual and
official capacities as sheriff's deputy
of Henderson County, North
Carolina; LOWELL S. GRIFFIN, in his
official capacity as Sheriff of
Henderson County, North Carolina;
CHARLES S. MCDONALD, in his
official capacity as former Sheriff of
Henderson County, North Carolina;
and HENDERSON COUNTY, NORTH
CAROLINA

Defendants,

and

| | |
|-------------------------------|---|
| CHRISTOPHER M. GOODWIN, |) |
| JACOB TIPTON, and NICHOLAS A. |) |
| NEWELL, |) |
| |) |
| Counterclaim |) |
| Plaintiffs, |) |
| |) |
| vs. |) |
| |) |
| JAMES BRADLEY OWEN, |) |
| |) |
| Counterclaim |) |
| Defendant. |) |
| |) |

THIS MATTER came for trial and was heard by the undersigned judge, and a jury was empaneled and answered the issues presented as follows:

1. Did James Bradley Owen commit battery upon the Claimant Jacob Tipton?

Answer: NO

2. What amount of compensatory damages, if any, is the Claimant Jacob Tipton entitled to recover of James Bradley Owen?

Answer: N/A

3. What amount of compensatory damages, if any, is the Claimant Christopher M. Goodwin entitled to recover of James Bradley Owen?

Answer: \$40,000

Based on the foregoing facts as found by the jury, the Court concludes as a matter of law that the Counterclaim Defendant James Bradley Owen is not liable to the Counterclaim Plaintiff Jacob Tipton for battery under North Carolina law, and that the Counterclaim Plaintiff Christopher M. Goodwin is entitled to a judgment in the amount of \$40,000.00 against the Counterclaim Defendant James Bradley Owen.

Upon the close of the Counterclaim Plaintiffs' evidence at trial, the Counterclaim Defendant James Bradley Owen made an oral motion for judgment as a matter of law pursuant to Rule 50(a) of the Federal Rules of Civil Procedure with respect to all claims asserted by the Counterclaim Plaintiffs. The Court granted the Counterclaim Defendant's Rule 50(a) motion with respect to the punitive damages claims asserted by Counterclaim Plaintiffs Christopher M. Goodwin and Jacob Tipton on the grounds that there was insufficient evidence of willful, wanton or malicious conduct by James Bradley Owen to sustain a verdict in favor of the Counterclaim Plaintiffs for punitive damages.

Prior to trial, the parties stipulated to the dismissal with prejudice of the counterclaims asserted by the Counterclaim Plaintiff Nicholas A. Newell pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

The Court previously entered an Order granting the Defendants' Motion for Summary Judgment and dismissing all of the Plaintiff's claims against the named Defendants. Additionally, the Court granted summary judgment in favor of the Counterclaim Plaintiff Christopher M. Goodwin on his counterclaim for assault against the Counterclaim Defendant James Bradley Owen.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that the Defendants Christopher M. Goodwin, Benjamin Hawkins, Jacob Tipton, and Nicholas A. Newell are not liable to the Plaintiff James Bradley Owen for violation of the Fourth Amendment to the United States Constitution under 42 U.S.C. § 1983 and/or violation of Article I § 19 of the North Carolina Constitution, and such claims are **DISMISSED WITH PREJUDICE**. The Plaintiff shall recover nothing from the Defendants in the form of damages as to these claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants Christopher M. Goodwin, Benjamin Hawkins, Jacob Tipton, and Nicholas A. Newell are not liable to the Plaintiff James Bradley Owen for assault and battery under North Carolina law, and such claims are **DISMISSED WITH PREJUDICE**. The Plaintiff shall recover nothing from the Defendants in the form of damages as to these claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants Christopher M. Goodwin, Benjamin Hawkins, Jacob Tipton, and Nicholas A. Newell are not liable to the Plaintiff James Bradley Owen for unlawful deprivation of property in violation of Article I § 19 of the North Carolina Constitution, and such claims are **DISMISSED WITH PREJUDICE**. The Plaintiff shall recover nothing from the Defendants in the form of damages as to these claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants Christopher M. Goodwin, Benjamin Hawkins, Jacob Tipton, and Nicholas A. Newell are not liable to the Plaintiff James Bradley Owen for trespass to chattel under North Carolina law, and such claims are **DISMISSED WITH PREJUDICE**. The Plaintiff shall recover nothing from the Defendants in the form of damages as to these claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants Christopher M. Goodwin, Benjamin Hawkins, Jacob Tipton, and Nicholas A. Newell are not liable to the Plaintiff James Bradley Owen for punitive damages, and such claims are **DISMISSED WITH PREJUDICE**. The Plaintiff shall recover nothing from the Defendants in the form of damages as to these claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Defendants Lowell S. Griffin, Charles S. McDonald, and Henderson County, North Carolina are not liable to the Plaintiff James Bradley Owen for the violation of his civil rights under 42 U.S.C. § 1983 and Monell v. Department of Social Services, 436 U.S. 638 (1978), and such claims are **DISMISSED WITH PREJUDICE**. The Plaintiff shall recover nothing from the Defendants in the form of damages as to these claims.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Counterclaim Defendant James Bradley Owen is not liable to the Counterclaim Plaintiff Jacob Tipton for battery, and such claim is therefore **DISMISSED WITH PREJUDICE**. The Counterclaim Plaintiff shall recover nothing from the Counterclaim Defendant in the form of damages as to this claim.

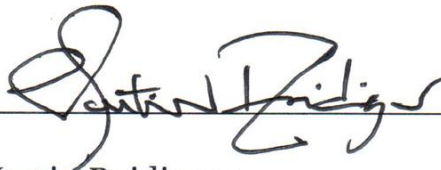
IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Counterclaim Defendant James Bradley Owen is liable to the Counterclaim Plaintiff Christopher M. Goodwin for assault as a matter of law, and the Counterclaim Plaintiff Christopher M. Goodwin shall have and recover of the Counterclaim Defendant James Bradley Owen the sum of Forty Thousand Dollars (\$40,000.00) in compensatory damages.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Counterclaim Defendant James Bradley Owen's oral motion for judgment as a matter of law pursuant to Rule 50(a) of the Federal Rules of Civil Procedure is **GRANTED IN PART** as to the claims for punitive damages asserted by the Counterclaim Plaintiffs Christopher M. Goodwin and Jacob Tipton, and such claim for punitive damages are hereby **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that based on the parties' stipulation pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the counterclaims for battery and for punitive damages asserted by Counterclaim Plaintiff Nicholas A. Newell against the Counterclaim Defendant James Bradley Owen are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: November 16, 2023



Martin Reidinger
Chief United States District Judge

